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| PATENT APPLICATION FEE DETERMINATION RECORD  |                                  |                                    |               |                 | Application or Dockets Number                         |  |
|--|----------------------------------|------------------------------------|---------------|-----------------|---|--|
| Substitute for Form PTO-875  |                                  |                                    |               |                 | 09-693121   |  |
| <b>CLAIMS AS FILED - PART I</b>  |                                  |                                    |               |                 | <b>SMALL ENTITY</b> OR <b>OTHER THAN SMALL ENTITY</b> |  |
| (Column 1)   |                                  | (Column 2)                         |               |                 |   |  |
| FOR  | NUMBER FILED                     | NUMBER EXTRA                       |               | RATE            | FEE   |  |
| BASIC FEE (37 CFR 1.16(a))   |                                  |                                    |               |                 | \$  |  |
| TOTAL CLAIMS (37 CFR 1.16(c))  | minus 20 =                       |                                    |               | x \$            |   |  |
| INDEPENDENT CLAIMS (37 CFR 1.16(d))  | minus 3 =                        |                                    |               | x \$            |   |  |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(e))  |                                  |                                    |               | + \$            |   |  |
|  |                                  |                                    |               | TOTAL           |   |  |
| * If the difference in column 1 is less than zero, enter "0" in column 2.  |                                  |                                    |               |                 |   |  |
| <b>CLAIMS AS AMENDED - PART II</b>   |                                  |                                    |               |                 | <b>SMALL ENTITY</b> OR <b>OTHER THAN SMALL ENTITY</b> |  |
| (Column 1)   |                                  | (Column 2)                         | (Column 3)    |                 |   |  |
| AMENDMENT A  | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE            | ADDITIONAL FEE  |  |
| 3-14-05  |                                  |                                    |               |                 |   |  |
| Total (37 CFR 1.16(c))   | 21                               | 22                                 |               | x \$            |   |  |
| Independent (37 CFR 1.16(d))   | 1                                | 4                                  |               | x \$            |   |  |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(e))  |                                  |                                    |               | + \$            |   |  |
|  |                                  |                                    |               | TOTAL ADD'L FEE |   |  |
| AMENDMENT B  | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE            | ADDITIONAL FEE  |  |
| 12-01-05   |                                  |                                    |               |                 |   |  |
| Total (37 CFR 1.16(c))   | ?                                |                                    |               | x \$            |   |  |
| Independent (37 CFR 1.16(d))   | ?                                |                                    |               | x \$            |   |  |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(e))  |                                  |                                    |               | + \$            |   |  |
|  |                                  |                                    |               | TOTAL ADD'L FEE |   |  |
| AMENDMENT C  | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE            | ADDITIONAL FEE  |  |
|  |                                  |                                    |               |                 |   |  |
| Total (37 CFR 1.16(c))   | 20                               | 22                                 |               | x \$            |   |  |
| Independent (37 CFR 1.16(d))   | 3                                | 4                                  |               | x \$            |   |  |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(e))  |                                  |                                    |               | + \$            |   |  |
|  |                                  |                                    |               | TOTAL ADD'L FEE |   |  |
| • If the entry in column 1 is less than the entry in column 2, write "0" in column 3.<br>• If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".<br>• If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".<br>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1. |                                  |                                    |               |                 |   |  |

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NO fee Due

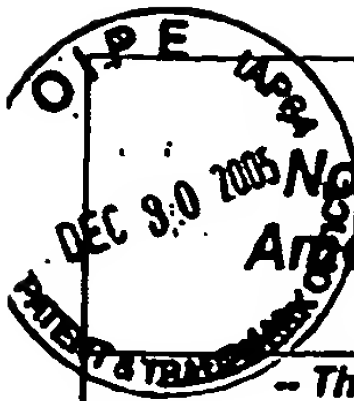


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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/693,121   | 10/20/2000  | Jeffrey Schilom      | 45394               | 7805             |
| <div>50187      7590      12/07/2005</div> <div>RONALD I. EISENSTEIN<br/>NIXON PEABODY LLP<br/>100 SUMMER STREET<br/>BOSTON, MA 02110</div> <div><b>RECEIVED</b><br/>DEC 12 2005<br/>NIXON PEABODY LLP</div> <div>EXAMINER<br/>YAEN, CHRISTOPHER H</div> <div>ART UNIT      PAPER NUMBER<br/>1643</div> <div>DATE MAILED: 12/07/2005</div> |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09-693121

Applicant(s)

Examiner

C. YAEER

Art Unit

1643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12-1-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: claim 34 depends on canceled claim 33.
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Linda Humes

Legal Instruments Examiner (LIE)

571-272-0530

Telephone No.